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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

12 United States of America,
13 Plaintiff,
14 v.
15 Krystal Bumgardner,
16 Defendant.

Case No. 2:22-cr-00190-APG-NJK

**Motion to file Unredacted
Psychological Reports Under
Seal**

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18 Ms. Bumgardner, simultaneously with this motion, has noticed several
19 experts. Two of those experts have provided psychological reports. Ms.
20 Bumgardner, to protect her interest in her medical privacy, requests this Court
21 file those reports under seal.
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Memorandum of Points and Authorities

Pursuant to LR IA 10-5, this Motion to Seal is filed concurrently with Ms. Bumgardner's notice of experts. Two standards govern requests to seal documents: the "compelling reasons" standard and the "good cause" standard. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d 665, 667 (9th Cir. 2010). As the good cause standard applies to "sealed materials attached to a discovery motion unrelated to the merits of a case," *Ctr. For Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1097 (9th Cir. 2016), and the simultaneously filed motion is not a discovery motion, the "compelling reasons" standard applies. To meet the compelling reasons standard, "the party must 'articulate[] compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure, such as the 'public interest in understanding the judicial process.'" *Kamakana v. City & Cnty. Of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006).

Ms. Bumgardner meets the compelling reasons standard here. Ms. Bumgardner has attached psychological evaluations to her notice of experts. As it is a psychological evaluation, the information within constitutes medical information.

As such, Ms. Bumgardner requests leave to file under seal the psychological reports. Ms. Bumgardner has filed the actual notice itself in the public docket, satisfying the need to allow the public access into the judicial process. In addition, any relevant information from the reports will be discussed at trial, again satisfying the public's need for public access.

1 Thus, Ms. Bumgardner's interest in protecting her medical information
2 grossly outweighs the public policy favoring disclosure, and Ms. Bumgardner
3 requests leave to file the psychological reports under seal.

4 DATED: April 18, 2025.

5 RENE L. VALLADARES
6 Federal Public Defender

7 By: /s/ Benjamin F. J. Nemec

8 BENJAMIN F. J. NEMEC
9 Assistant Federal Public Defender
Attorney for Krystal Bumgardner

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11 IT IS S ORDERED.

12 Dated: May 6, 2025

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Nancy J. Koppe
United States Magistrate Judge